IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 25TH MAY 2007 / 4TH JYAISHTA 1929

Crl.Rev.Pet.No. 1748 of 2007()

AGAINST THE ORDER DATED 19/03/2007 IN CMP 2871/ 2007 IN CC.137/2001 of JUDL.MAGISTRATE OF FIRST CLASS, KARUNAGAPPALLY

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REVN. PETITIONER: COMPLAINANT.

STATE, REPRESENTED BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI. P.G. THAMPI, DGP
SRI. S.U. NAZAR, PUBLIC PROSECUTOR

RESPONDENTS: ACCUSED NO.1 TO 7 AND DEFACTO COMPLAINANT.

1. UDAYAN, S/O. SIVADASAN,
THENGUVILA KIZHAKKATHIL, EDAKKAD MURI, PORUVAZHY.

2. SURAJ, S/O. SOMARAJAN,
SURAJ BHAVANAM, EDAKKAD MURI, PORUVAZHY.

3. DILEEPKUMAR, S/O. BALAKRISHNAN,
NABNAR ROAD HOUSE, EDAKKAD MURI, PORUVAZHY.

4. SATHYAN, S/O. NARAYANAN, SATHYALAYAM,
EDAKKAD MURI, PORUVAZHY.

5. VELUTHAKUNJU, S/O. CHANDRAN,
KULAKKADASSERIL HOUSE, EDAKKAD MURI, PORUVAZHY.

6. BHASKARAN PILLAI, S/O.PADMANABHAN PILLAI
SREE NILAYAM, EDAKKAD MURI, PORUVAZHY.

7. SUKUMARAN, S/O. NANU,
PADINJATTATHIL VEETTIL, EDAKKAD MURI, PORUVAZHY.

8. PRAKASHAN, S/O. KARTHIKEYAN, VENGUU
VILA VEETTIL, EDAKKAD MURI, PORUVAZHY.

BY/

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 25/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J

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CRL. R.P. NO. 1748 OF 2007

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Dated this the 25th day of May 2007

O R D E R

The state has filed this revision aggrieved by the order of the court below dismissing the application for withdrawal. It is seen from the order of the court below that the offence for which the accused are charged are for the offences under Sections 143, 147,148, 341, 506 (2), 326, 323, 427 r/w Section 149 IPC. It is also seen from the order of the court below that the trial is at the fag end and that the investigating officer is not examined so far. Evidently, the injury sustained is a serious one, i.e., fracture on the right leg of the defacto complainant. The court has also observed that considering the nature of the incident, the withdrawal sought cannot be treated as a step in the interest of justice. Considering the nature of the crime involved and the stage of trial, I find that the order of the court below cannot be found fault with. I find that there is no infirmities in the order of the court below and the revision petition filed is dismissed in limine.

K.R. UDAYABHANU, JUDGE.

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